



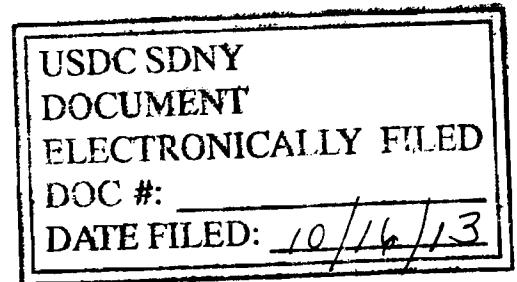
MEMO ENDORSEMENT

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October 15, 2013
VIA ECF AND MESSENGER

The Honorable Robert P. Patterson
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312



Re: Levin v. Bank of New York, et al., Case No 09 Civ. 5900 (RPP) (MHD)

Dear Judge Patterson:

We are counsel to third-party defendants the Estate of Michael Heiser, *et al.* (the "Heisers") in connection with the above-referenced action and write on behalf of the Heisers, the Greenbaum and Acosta Judgment Creditors, and the Levin Plaintiffs (collectively, the "Judgment Creditors") regarding the letter from [REDACTED] dated October 11, 2013 (Dkt. Entry No. 937).

The Judgment Creditors confirm that the Judgment and Order Directing Turnover of Funds and Discharge dated October 9, 2013 (Dkt. Entry No. 936) (the "Phase Two Order") provides that the funds [REDACTED] allegedly intended for [REDACTED] will not be paid out until such time that the [REDACTED] application to OFAC (the "[REDACTED]") is denied. The Court's Opinion and Order of September 19, 2013 (Dkt. Entry No. 925) (the "Opinion and Order") expressly addressed the [REDACTED] and held that "[t]he inclusion in this Order of funds pending before OFAC is conditioned upon the denial of the OFAC license [application]." Opinion and Order, 30. As noted by [REDACTED] the Phase Two Order incorporates by reference the Opinion and Order, stating that the "Opinion and Order is hereby incorporated by reference." Opinion and Order at ¶ 3. Accordingly, the [REDACTED] will be held in the blocked account at [REDACTED] until such time as the [REDACTED] is denied by OFAC. Upon the denial of the [REDACTED] by OFAC, [REDACTED] shall pay the [REDACTED] to the Judgment Creditors.

Respectfully yours,

DLA Piper LLP (US)

Richard M. Kremen
Partner

cc: Christopher J. Houpt
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Christopher Robinson
Suzelle Smith
Don Howarth
Jessica Rankin
Curtis C. Mechling
James L. Bernard
Benjamin Weathers-Lowin
Eric J. Snyder
Scott K. McCulloch

*Application granted
So ordered.
Robert P. Patterson
USDC
10/15/13*